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Kristina L. Konstas
(Signature)

Kristina L. Konstas

(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Harry R. Howard Jr. :
APPLICATION NO.: 10/024,968 : Examiner:
FILING DATE: December 19, 2001 : Delacroix Muirhei, Cybille
TITLE: COMBINATION TREATMENT OF : Group Art Unit: 1614
MULTIPLE SCLEROSIS (MS), OTHER
DEMYELINATING CONDITIONS AND
PERIPHERAL NEUROPATHY,
ESPECIALLY PAINFUL NEUROPATHIES
AND DIABETIC NEUROPATHY

OCT 08 2004

TECH CENTER 1600/2900

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

COMMUNICATION IN RESPONSE TO AUGUST 30, 2004 OFFICE ACTION

This Communication is being filed in response to the Office Action issued August 30, 2004 by the United States Patent and Trademark Office in connection with the above-identified patent application. A response to the August 30, 2004 Office Action is due September 30, 2004. Accordingly, this Communication is being timely filed.

REMARKS

Claims 1-30 are pending in the subject application. Note that the claims numbered 20-31 should be renumbered as claims 19-30.

In the August 30, 2004 Office Action, the Examiner withdrew the previous July 8, 2003 restriction requirement. The Examiner made a new requirement. The Examiner required applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner further stated that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species.

In response, applicant elects, with traverse, the compound [2-(3,4-dichlorophenoxy)-5-fluorobenzyl]-methylamine as the "SRI anxiolytic or antidepressant" element of the claims. This